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PATENT

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S. D.
S. Bryce
11/3/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Van L. Phillips

Appl. No. : 09/698,489

Filed : October 26, 2000

For : FOOT PROSTHESIS HAVING
CUSHIONED ANKLE

Examiner : Suzette Jamie Jackson

Group Art Unit: 3738

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: United States Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202, on

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TERMINAL DISCLAIMER

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TECHNOLOGY CENTER R3700

Dear Madam:

In accordance with 37 C.F.R. § 3.73(a), Petitioner, Van L. Phillips, represents that he is the owner of the entire right, title and interest in the above-captioned patent application by virtue of being the sole inventor of the subject matter thereof.

This application is a continuation-in-part of application Serial No. 09/288,869 filed April 9, 1999, now U.S. Patent No. 6,280,479, which is a continuation-in-part of application Serial No. 09/138,357 filed August 21, 1998, now U.S. Patent No. 6,206,934.

Petitioner also represents that it is the owner of the entire right, title and interest in and to U.S. Patent No. 6,206,934 by virtue of being the sole inventor of the subject matter thereof.

Petitioner hereby disclaims, except as noted below, the terminal portion of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,206,934, and hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that legal title to said patent shall be the same as legal title to U.S. Patent No. 6,206,934. This agreement extends to any patent granted on the above-captioned application, and binds Petitioner's successors and assigns.

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent No. 6,206,934, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 6,206,934 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all its claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned representative verifies that he is authorized to take this action on behalf of Petitioner.

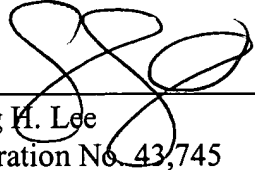
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 12-13-02

By: _____


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